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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUL - 2 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Cellular Service and Other Commercial)
Mobile Radio Services in the Gulf of Mexico)
)
Amendment of Part 22 of the Commission's)
Rules to Provide for Filing and Processing)
of Applications for Unserved Areas in the)
Cellular Service and to Modify Other Cellular)
Rules)

WT Docket No. 97-112

CC Docket No. 90-6

COMMENTS OF MOBILETEL, INC.

MobileTel, Inc. ("MobileTel"), by its attorneys, hereby submits its comments in response to the Notice of Proposed Rulemaking issued in the above-captioned proceeding.^{1/} MobileTel, as the B-block cellular licensee for the Houma-Thibodaux Metropolitan Service Area ("MSA") and the interim B-block cellular licensee for the Plaquemines Rural Service Area ("RSA"), is a land-based carrier with service areas that border the Gulf of Mexico Service Area ("GMSA") and would be adversely affected by the Commission's proposed revised cellular service rules for the GMSA.

MobileTel supports the Commission's goals of ensuring reliable cellular coverage in the coastal areas of the Gulf of Mexico and reducing conflict between water-based and land-based carriers. For the reasons set forth below, however, the creation and licensing of a new cellular service area is an inefficient method of achieving these goals that would cause substantial

^{1/} In the Matter of Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico; Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules, WT Docket No. 97-112, CC Docket No. 90-6, Second Further Notice of Proposed Rulemaking, FCC 97-110 (rel. April 16, 1997) ("Notice").

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interference to land-based cellular systems and disrupt the service they provide to their customers. Instead of adopting the proposal set forth in the Notice, the Commission should grant existing land-based carriers with service areas that border the Gulf an opportunity to provide coverage to any unserved coastal areas. If any coastal areas remain unserved, the Commission could license these areas under its regular unserved area rules. If the Commission nonetheless decides to create and license a separate Coastal Zone, it should not under any circumstances permit water-based carriers to place their cell sites on land.

DISCUSSION

I. The Creation and Licensing of a New Coastal Zone is an Inefficient Method of Ensuring Reliable Service in the Coastal Waters of the GMSA

The Commission proposes to divide the existing GMSA into two new cellular service areas: a GMSA Coastal Zone and a GMSA Exclusive Zone.^{2/} The Commission states that a separate Coastal Zone is justified because of the higher volume of traffic in coastal waters and the need for wide-spread, reliable coverage in this area.^{3/} MobileTel respectfully asserts that the creation and licensing of a new cellular service area is an inefficient method of promoting reliable coverage in the narrow strip of water in question. Rather than undertaking this complicated task, it would be far more efficient for the Commission to permit existing land-based carriers with service areas that border the Gulf to provide coverage to any unserved coastal areas.

This goal could be accomplished simply by redrawing the MSA so that it begins 12 miles offshore (as defined by a specified set of coordinates) and extends to the outer boundary of the

^{2/} Notice at ¶ 3.

^{3/} Notice at ¶ 27.

current GMSA. There would be no need to create a GMSA Coastal Zone. Rather, existing land-based carriers could increase transmitting power and antenna height at cell sites along the coast in order to serve the coastal area up to the twelve-mile border. The boundary between land-based licensees' water areas could be governed by county or parish lines where they exist, or by artificial lines running into the Gulf perpendicular to the coast line. This method of providing service to the unserved areas of the Gulf would be consistent with the Commission's treatment of water areas other than the Gulf, which may be served only by expansion of the adjacent land-based system.^{4/}

If the Commission is concerned that existing land-based licensees might not choose to provide such extended service, it could open a short filing window (such as 270 days) during which coastal land-based carriers could apply for appropriate authority to extend their Service Area Boundary ("SAB") to the 12-mile limit. If a land-based carrier determines that it is technically or economically infeasible to extend service in all coastal water areas, and declines to apply for such authorization, any unserved areas could be licensed according to the Commission's regular unserved area licensing rules. Under this approach, land-based carriers would have an opportunity to demonstrate that they are capable of providing cellular service to their coastal areas before the Commission attempts the novel regulatory solution proposed in the Notice.

^{4/} See Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules, CC Docket No. 90-6, Third Report and Order and Memorandum Opinion and Order on Reconsideration, 7 FCC Rcd 7183 at ¶ 12 (1992) (finding that the public interest is better served by allowing only adjacent land-based systems to provide cellular service in water areas). Earlier this year, the Commission applied the same policy to the licensing of the wireless communications service. In the Matter of Amendment of the Commission's Rules to Establish part 27, the Wireless Communications Service ("WCS"), Report and Order, GN Docket No. 96-228, FCC 97-50 (rel. Feb. 19, 1997), at ¶ 59.

As a practical matter, the existing GMSA licensees could not provide reliable coverage in coastal waters from their widely dispersed cell sites in the Gulf. In fact, it is the failure of the existing GMSA licensees to completely serve the areas in question that has led to the present need for a revision of the rules. The solution to this problem is not to establish a new water area served by land-based cell sites, however. Land-based licensees are far better positioned to serve the coastal waters from their more densely arrayed facilities, and should be permitted to do so. As demonstrated below, moreover, permitting water-based licensees to locate cells on land will cause unavoidable interference with land-based carriers. Existing GMSA licensees' SABs that currently extend landward from the 12-mile limit could be grandfathered in order to avoid any prejudice to these licensees. Beyond the 12-mile limit, where interference problems are manageable, existing GMSA licensees should be allowed to move their transmitters freely within the GMSA and to expand or modify their systems without being required to file applications or obtain prior approval.^{5/}

II. Permitting Coastal Zone Licensees to Place Their Cell Sites on Land Would Cause Unavoidable Interference with the Cellular Systems of Existing Land-Based Carriers With Service Areas that Border the GMSA

The construction of separate land-based systems to serve the coastal waters would cause substantial interference to existing land-based carriers. Inexplicably, the Commission proposes to abandon its long-standing policy of absolutely prohibiting, without consent, land-based sites for GMSA carriers and to apply instead the SAB extension rules to govern the placement of

^{5/} Notice at ¶ 28.

transmitters both on land and in the water.^{6/} To prevent harmful interference, the Commission should hold fast to this policy.

Even in areas that are not within the CGSA of an existing land-based carrier, it is highly unlikely that a Coastal Zone licensee could ever place its sites on land without capturing a significant portion of the subscribers of these carriers. In Louisiana, for instance, the “land” immediately adjacent to the Gulf is at sea level and consists primarily of water and marsh, with no roads or power facilities. The “soil” conditions in these environmentally sensitive wetlands virtually preclude construction of towers and cell sites. Any Coastal Zone licensee would therefore have to venture several miles inland in order to find suitable sites for its transmitters. Once operational, such transmitters will capture significant portions of the subscribers in existing land-based CGSAs as they pass through areas where the signal from those transmitters is stronger than the land based carrier’s facilities. Land-based subscribers in their home territories will find themselves unexpectedly “roaming” on a Coastal Zone system, with the concomitant higher charges,^{7/} whenever they move into range of a Coastal Zone transmitter.

^{6/} Notice at ¶ 40. Cf. id. at ¶ 12 (citing In re Applications of Petroleum Communications, Inc. et al., Order on Reconsideration, 2 FCC Rcd 3695, 3696 ¶ 13 (1986)); In re Applications of Petroleum Communications, Inc. et al., Order on Reconsideration, 2 FCC Rcd 3695, 3696 ¶ 13 (1986); In re Applications of Petroleum Communications, Inc. et al., Order on Reconsideration, 1 FCC Rcd 511, 513 ¶ 19 (1986); see also In the Matter of Amendment of Part 22 of the Commission’s Rules to provide for filing and processing of applications for unserved areas in the Cellular Service and to modify other cellular rules, Further Notice of Proposed Rulemaking, 6 FCC Rcd 6158, 6159 ¶ 11 (1991). The Commission’s GMSA land-based transmitter policy was not, contrary to the suggestion in the Notice at ¶¶ 39-40, an interim measure dependent on RSA licensees’ build-out of their systems.

Under the Commission’s SAB extension rules, Coastal Zone licensees will not be able to obtain many land-based sites without the consent of existing land-based carriers because, as the Commission itself acknowledges, nearly the entire coastal area of the Gulf region is within the CGSA of land-based carriers. Notice at ¶ 40.

^{7/} Notice at ¶ 34.

The risks of interference and capture of subscribers in the coastal areas of Louisiana are heightened because the terrain is extremely flat and would provide no natural shielding from the transmissions from land-based Coastal Zone sites. “Signal ducting,” where moisture emanating from a body of water creates a “duct” effect on radio signals and causes the signals to travel further than expected, is also a frequent problem in coastal areas and causes interference to both land and water based systems. Although frequency reuse and frequency planning are normally used to avoid interference, the conditions in the coastal areas of the Gulf would make frequency reuse and frequency planning much more difficult, even with directional antennas.

Even application of the Commission’s SAB extension rules would will not adequately protect existing land-based carriers. In the Houma-Thibodaux MSA and the Plaquemines RSA, MobileTel has built out its systems to cover most of the land along the coast of the Gulf. There remain a few pockets of unserved coastal territory in MobileTel’s markets, however, because the unique terrain conditions described above, the irregular boundary of the GMSA, and a lack of access to appropriate coastal sites would have caused cells located in those pockets to extend into the GMSA in violation of the Commission’s rules for land-based carriers. Allowing a Coastal Zone licensee to place its cell sites in these areas would result in the capture of MobileTel’s traffic just as surely as if those sites were located within MobileTel’s SABs, and would increase the number of conflicts between MobileTel and the Coastal Zone licensee.

MobileTel has complied with the Commission’s rules and has designed its system in order to minimize extensions into the current GMSA. Permitting a Coastal Zone licensee to place its transmitters on land would unfairly penalize MobileTel for its good behavior. The Commission should therefore retain its current prohibition on GMSA licensees’ use of land-based transmitters unless they have the consent of the land-based licensee.

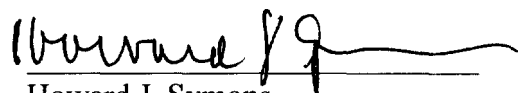
CONCLUSION

The Commission's proposal to create and license a new GMSA Coastal Zone is an inefficient and impractical method of ensuring reliable service to the coastal areas of the Gulf. Granting the existing GMSA licensees flexibility to provide service beyond the 12-mile limit would adequately enable them to serve oil and gas company platforms, while existing land-based carriers could easily provide service to the coastal areas of the Gulf.

The establishment of a Coastal Zone, with licensees permitted to establish land-based transmitters, would create unacceptable interference for existing land-based licensees and confusion and expense for their customers. These problems are compounded in Louisiana, where Coastal Zone transmitters would have to be located miles inland. For the reasons set forth above, the Commission should reject the proposal in the Notice.

Respectfully submitted,

MOBILETEL, INC.



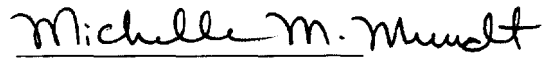
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July 2, 1997

CERTIFICATE OF SERVICE

I, Michelle Mundt, hereby certify that on this 2nd day of July 1997, I caused copies of the foregoing GMSA Comments to be sent to the following by hand delivery:


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